

JOHN F. COOK  
MAYOR

JOYCE WILSON  
CITY MANAGER



**CITY COUNCIL**  
ANN MORGAN LILLY, DISTRICT 1  
SUSANNAH M. BYRD, DISTRICT 2  
J. ALEXANDRO LOZANO, DISTRICT 3  
MELINA CASTRO, DISTRICT 4  
RACHEL QUINTANA, DISTRICT 5  
EDDIE HOLGUIN JR., DISTRICT 6  
STEVE ORTEGA, DISTRICT 7  
BETO O'ROURKE, DISTRICT 8

## **AGENDA FOR REGULAR CITY COUNCIL MEETING**

**October 23, 2007**  
**Council Chambers, City Hall**  
**8:30 a.m.**

After the meeting is convened, the City Council shall consider the following items in the following order no sooner than the designated times, but may consider them at a later time.

8:30 a.m.: Roll call and Executive Session\*  
9:00 a.m.: Invocation and Pledge of Allegiance  
9:00 a.m.: Ceremonial items followed by all other items posted on the Agenda

\*At any time during the Council meeting, the City Council may meet in executive session pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Chapter 551, Subchapter D, to discuss items as permitted by law.

**Invocation – Police Chaplain Clift Barnes**  
**Pledge of Allegiance**

### **MAYOR'S PROCLAMATIONS**

1. **MINORITY BUSINESS DEVELOPMENT WEEK**
2. **EL PASO ALCOHOL AND DRUG ADDICTION RECOVERY MONTH**
3. **EL PASO FUNERAL DIRECTORS WEEK**
4. **HALLOWEEN HAPPINESS WEEK 2007**

### **RECOGNITION**

**AMIGO AWARD TO THE CITY OF EL PASO, DEVELOPMENT SERVICES, FROM  
THE HISPANIC BUILDERS ALLIANCE, 2<sup>ND</sup> ANNUAL GALA 2007**

### **CALL TO THE PUBLIC – PUBLIC COMMENT**

**This time is reserved for members of the public who would like to address the  
City Council on items that are not on the City Council Agenda.**

A sign-up form is available on line at [https://www.elpasotexas.gov/muni\\_clerk/contact\\_public.asp](https://www.elpasotexas.gov/muni_clerk/contact_public.asp)  
for those who wish to sign up in advance of the meeting date and a sign-up form is available  
outside the City Council Chambers at the City Clerk table for those who wish to sign up on the day  
of the meeting.

Requests to speak must be received by 9:00 a.m. on the date of the meeting.

30 Minutes total is allotted for speakers.

Three to five minutes may be allowed for each speaker.

## NOTICE TO THE PUBLIC

All matters listed under the CONSENT AGENDA, including those on the Addition to the Agenda, will be considered by City Council to be routine and will be enacted by one motion unless separate discussion is requested by Council Members. Prior to the vote, members of the audience may ask questions regarding items on the consent agenda. When the vote has been taken, if an item has not been called out for separate discussion, the item has been approved. Council may, however, reconsider any item at any time during the meeting. The wording of all agenda items shall appear in the minutes of this meeting of the City Council as posted, unless otherwise revised by this or other motion of Council, without the necessity of the City Clerk reading the wording of each item into the record.

## CONSENT AGENDA

### 1. APPROVAL OF MINUTES:

Approval of Minutes for the Regular City Council Meeting of October 16, 2007.  
[Municipal Clerk, Richarda Duffy Momsen, (915) 541-4127]

### 2. REQUEST TO EXCUSE ABSENT CITY COUNCIL MEMBERS:

### 3. RESOLUTIONS:

**3A.** A Resolution authorizing the City Manager to sign the U.S. Department of Housing and Urban Development certification form 1044 and any other related documents required to complete the grant closeout for Lead Based Paint Hazard Control Grant TXLHB0237-03 for the period September 1, 2003, to August 31, 2006. **(All Districts.)**

[Community and Human Development, William Lilly, (915) 541-4643]

**3B.** Placing a condemnation lien on the following property (legal description on file with the City Clerk) and in the following amount for work performed by the City pursuant to Section 18.50 (Unsafe Structures and Conditions) of the El Paso Municipal Code:

810 South Oregon Street      \$29,193.56      Mario T. Casillas      **District 8**

[Development Services, R. Alan Shubert, (915) 541-4557]

**3C.** That the solid waste liens on the attachment posted with this agenda be approved. **(Districts 1, 2, 4, 5, 7, & 8)** (See Attachment A)

[Environmental Services, Ellen A. Smyth, (915) 621-6719]

**3D.** That the City Manager be authorized to sign a Fourth Amendment to the September 19, 1974, lease between the City of El Paso and the El Paso County Humane Society, Inc. for a one acre parcel commonly known as 325 Shelter Place, El Paso, El Paso County, Texas. **(District 8)**

[Financial Services, Gonzalo Cedillos, (915) 541-4074]

**3E.** That the Classification and Compensation Plan shall be amended, as recommended by the Civil Service Commission. The class of Stormwater Operations Manager is hereby created as specified in the duties and responsibilities attached hereto. The Code is 20235. The Grade is EX 5. **(All Districts)**

[Human Resources, Linda B. Thomas, (915) 541-4509]

**3F.** That the Classification and Compensation Plan shall be amended, as recommended by the Civil Service Commission. The class of Stormwater Engineering Division Manager is hereby created as specified in the duties and responsibilities attached hereto. The Code is 20225. The Grade is EX 3.

**(All Districts)** [Human Resources, Linda B. Thomas, (915) 541-4509]

**4. SPECIAL APPOINTMENT:**

Mark Shoesmith as Assistant City Attorney effective December 3, 2007. **(All Districts)**  
[City Attorney's Office, Charlie McNabb, (915) 541-4550]

**5. BOARD RE-APPOINTMENT:**

Angelina White to the City Plan Commission by Representative Ann Morgan Lilly, District 1. [Representative Ann Morgan Lilly, (915) 541-4151]

**6. BOARD APPOINTMENT:**

Roman Hernandez to the Building and Standards Commission by Representative Rachel Quintana, District 5. [Representative Rachel Quintana, (915) 541-4701]

**7. MAYOR AND COUNCIL:**

Notation of \$500 campaign contributions to Representative Melina Castro from Stanley Jobe, \$500, on October 10, 2007, and from Doug Schwartz, \$500, on October 10, 2007, per Ordinance No. 16301, Section 2.92.110 (Disclosure of Campaign Contribution).  
[Representative Melina Castro, (915) 541-4400]

**8. PURCHASING REQUESTS TO ISSUE PURCHASE ORDERS, ETC.:**

Request that the Purchasing Manager for Financial Services, Purchasing Division, be authorized to issue a Purchase Order to Caron Compactor Company, Escalon, California, the patent holder (patent #6682262), sole source manufacturer, and distributor of landfill compactor wheels for the caterpillar landfill compactor. Total estimated annual amount is \$60,000. Three year estimated total, \$180,000 with the stipulation that the vendor provides an updated sole source letter and affidavit each year.

Department:	General Services
Total Estimated Amount:	\$180,000 (3 year total)
Account No.:	37370510 - 45202 - 503121
Funding Source:	General Services, Internal Service Fund
Sole Source No.:	2008-014
<b>Districts:</b>	<b>All</b>

[Financial Services/Purchasing, Terrence Freiburg, (915) 541-4313]

**REGULAR AGENDA - INTRODUCTIONS****9. INTRODUCTION OF ORDINANCES PURSUANT TO SECTION 3.9 OF THE EL PASO CITY CHARTER:**

**Public comment typically is not taken during the introduction of ordinances.**

**Public comments are invited at the date of the scheduled public hearing.**

- 9A.** An Ordinance of the City of El Paso, Texas, authorizing the City Manager to execute a Special Warranty Deed and any other necessary documents as required for the sale and conveyance as recommended by the El Paso Water Utilities for the following described real property to Stanley P. Jobe, the sole and highest bidder, such land totaling approximately 40.0288 acres of land out of a portion of Tract 1, Section 16, Block 80, Township 1, Texas and Pacific Railway Company Surveys, City of El Paso, El Paso County, Texas, located in Northeast El Paso. **(District 4)** [El Paso Water Utilities, Robert D. Andron, (915) 594-5607]
- 9B.** An Ordinance amending Title 2 (Administration and Personnel), Chapter 2.40 (Department of Museums and Cultural Affairs), changing multiple sections to correct board and museum names, change quorum requirements, and clarify cross-appointments; adding section 2.40.080 to codify the Ordinance creating the Museum of History Advisory Board; and adding section 2.40.090 to create an El Paso Museum of Archaeology Advisory Board. **(All Districts)**  
[Museums & Cultural Affairs, Yolanda Alameda, (915) 541-4896]

**PUBLIC HEARING WILL BE HELD ON OCTOBER 30, 2007, FOR ITEMS 9A – 9B**

- 9C.** An Ordinance changing the zoning of a 70-foot strip of Tract 1A, Section 39, Block 79, Township 2, Texas and Pacific Railway Company Surveys, City of El Paso, El Paso County, Texas, from R-3 (Residential) to C-1 (Commercial). The penalty is as provided for in Chapter 20.68 of the El Paso City Code. Subject Property: Edgemere Blvd. Applicant: Land Barons of El Paso del Norte, LLC. ZON07-00096 **(District 5)**  
[Development Services/Planning, Frank Delgado, (915) 541-4238]
- 9D.** An Ordinance changing the zoning of a portion of Tract 24, Block 38, Ysleta Grant, City of El Paso, El Paso County, Texas, from R-4/H (Residential/Historic) to C-1/H (Commercial/Historic). The penalty is as provided for in Chapter 20.68 of the El Paso City Code. Subject Property: 8899 Alameda Avenue. Applicant: Cinco Properties, LP. ZON07-00092 **(District 7)**  
[Development Services/Planning, Melissa Granado, (915) 541-4730]
- 9E.** An Ordinance changing the zoning of a portion of Tract 12B, Section 34, Block 79, Township 2, Texas and Pacific Railway Company Surveys, City of El Paso, El Paso County, Texas, from R-3 (Residential) to C-4 (Commercial) and imposing conditions. The penalty is as provided for in Chapter 20.68 of the El Paso City Code. Subject Property: south of Montana Avenue and west of Rich Beem Boulevard. Applicant: Camino Real Properties I, LTD. ZON07-00098 **(District 5)** [Development Services/Planning, Arturo Rubio, (915) 541-4633]

**PUBLIC HEARING WILL BE HELD ON NOVEMBER 13, 2007, FOR ITEMS 9C – 9E**

Public Hearings will be held as part of the regular City Council meeting which begins at approximately 9:00 a.m. All interested persons present shall have an opportunity to be heard at that time. After the public hearings, Council may also delay taking action on Ordinances; no requirement is made by Section 3.9B of the El Paso City Charter to publish any further notice. Copies of all Ordinances are available for review in the City Clerk's office, 2 Civic Center Plaza, Monday through Friday, 8:00 a.m. to 5:00 p.m.

**REGULAR AGENDA – OTHER BIDS, CONTRACTS, PROCUREMENTS****10. DEVELOPMENT AND INFRASTRUCTURE SERVICES:**

Discussion and action on a Resolution authorizing the City Manager to sign an Agreement between the City of El Paso and Marcus Jahns providing for the development of an Implementation Strategy that supports recommendations of the Downtown 2015 Plan and the Recommended Project and Financing Plan of the Tax Increment Reinvestment Zone for the area in an amount not to exceed \$175,000 to offset the costs of the development of the Implementation Strategy, and that the City Manager be authorized to sign any related documents which might be necessary to accomplish such purpose. Funding Source: 99010273-505413. **(All Districts)** [Development & Infrastructure Services, Patricia D. Adauto, (915) 541-4853]

**11. ENGINEERING:**

Discussion and action that the City Manager be authorized to sign a Local Project Advance Funding Agreement (LPAFA) between the City of El Paso ("City") and the State of Texas, acting by and through the Texas Department of Transportation ("State"). The scope of work for this Agreement is described as the replacement or rehabilitation of the Yarbrough Bridge. **(District 7)** [Engineering, R. Alan Shubert, (915) 541-4423]

**12. FINANCIAL SERVICES:**

Discussion and action on the award of Solicitation No. 2007-241 (Dark Sky Compliance Program 2007-2009) to Beltran Electrical Contractors, Inc. of El Paso, Texas, for a total estimated minimum amount of \$1,978,155.

Department:	Streets
Award to:	Beltran Electrical Contractors, Inc. El Paso, Texas
Items:	Base Bid I: \$1,978,155
Total Estimated Minimum Award:	\$1,978,155
Option:	Option of extending the term of the contract for one or two additional 180-day terms at the same unit prices.
Account No:	P507002 – 08150053 – 07408 - 508027
Funding Source:	Palo Verde Awards
<b>Districts:</b>	<b>All</b>

It is requested that the City Manager of the City of El Paso be authorized to sign any contracts or other documents required to effectuate this award and be authorized to exercise on behalf of the City any extensions of the contract.

Work under this unit price contract is only an estimated minimum value and will be ordered, performed, invoiced, and paid by measured quantity. The actual cost of this contract may be higher or lower than the total estimated minimum value and will be the sum total of unit prices at the end of the contract term.

As part of the award of this contract, the City Engineer may, without further authorization from City Council, approve contract changes which are necessary for proper construction of the work and carrying out the intent of the design, which are in

accordance with applicable law and which do not make changes to the unit price and increased funds are appropriated in the budget.

This is a low bid, unit-price contract.

The Departments of Financial Services, Engineering and Street recommend award as indicated to the lowest responsive, responsible bidder.

[Engineering, R. Alan Shubert, (915) 541-4423]

### **REGULAR AGENDA – PUBLIC HEARINGS**

#### **13. PUBLIC HEARINGS – DEVELOPMENT SERVICES**

**13A.** An Ordinance granting Special Permit No. ZON07-00068 to allow government buildings and uses on the property described as Lot 1 and a portion of Lot 2, Block 1, Municipal Center, City of El Paso, El Paso County, Texas, pursuant to Section 20.12.040 of the El Paso City Code. The penalty being as provided in Chapter 20.68 of the El Paso City Code. Subject Property: 7969 San Paulo Drive. Applicant: City of El Paso-Municipal Services Center, ZON07-00068. **(District 7)** [Development Services/Planning, Esther Guerrero, (915) 541-4720]

**13B.** An Ordinance changing the zoning of a portion of Lot 1, Block 13, Colonia Del Carmen Unit 4, City of El Paso, El Paso County, Texas, from C-OP/SC (Commercial Office Park/Special Contract) District to C-1/SC (Commercial/Special Contract) District. The penalty is as provided for in Chapter 20.68 of the El Paso City Code. Subject Property: Lee Trevino Drive and Assyria Drive. Applicant: Woodchase Senior Community, LTD. ZON07-00108. **(District 7)** [Development Services/Planning, Esther Guerrero, (915) 541-4720]

### **REGULAR AGENDA – OTHER BUSINESS**

#### **14. MAYOR AND COUNCIL:**

**14A.** Presentation by Mujer Obrera on Plan Mayachen by Representative O'Rourke, District 8. [Representative Beto O'Rourke, (915) 541-4123]

**14B.** Discussion and action to instruct the City Manager and staff to change traffic patterns on the Stanton Street Bridge to become two lanes going north and one lane going south; and to instruct the City Manager to ask Ciudad Juarez, Mexico, to allow the same traffic flow, two lanes going north and one lane going south. Communication with Congressman Sylvestre Reyes should be coordinated with the Mexican Government. [Representative Jose Alexandro Lozano, (915) 541-4515]

#### **15. FINANCIAL SERVICES:**

Discussion and action on a Resolution to approve the City's Debt Management Policy as amended. **(All Districts)** [Financial Services, Carmen Arrieta-Candelaria, (915) 541-4293]

**EXECUTIVE SESSION**

The City Council of the City of El Paso may retire into **EXECUTIVE SESSION** pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Chapter 551, Subchapter D, to discuss any of the following: (The items listed below are matters of the sort routinely discussed in Executive Session, but the City Council of the City of El Paso may move to Executive Session any of the items on this agenda, consistent with the terms of the Open Meetings Act.) The City Council will return to open session to take any final action and may also, at any time during the meeting, bring forward any of the following items for public discussion, as appropriate.

Section 551.071	CONSULTATION WITH ATTORNEY
Section 551.072	DELIBERATION REGARDING REAL PROPERTY
Section 551.073	DELIBERATION REGARDING PROSPECTIVE GIFTS
Section 551.074	PERSONNEL MATTERS
Section 551.076	DELIBERATION REGARDING SECURITY DEVICES
Section 551.087	DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS

Discussion and action on the following:

- EX1.** Discussion and action regarding legal matters related to proposed Texas Gas Service 2007 rate change. (551.071) [City Attorney's Office, Bertha A. Ontiveros, (915) 541-4550]
- EX2.** Claim of Juan Marquez, Our File No. 07-C-206. (551.071)  
[City Attorney's Office, Karla M. Nieman, (915) 541-4550]
- EX3.** Physicians Specialty Hospital of El Paso East, L.P., Case No. 07-30633, United States Bankruptcy Court Western District of Texas, El Paso Division. (551.071)  
[City Attorney's Office, Marie A. Taylor, (915) 541-4550]
- EX4.** Lease by and between the City of El Paso ("Lessee") and County of El Paso ("Lessor") regarding the property municipally known and numbered as 6314 Delta, El Paso, Texas. (551.071) [City Attorney's Office, Sylvia Borunda Firth, (915) 541-4550]

**NOTICE TO THE PUBLIC:**

Sign Language interpreters are provided for regular City Council meetings. Copies of this Agenda will be provided in Braille, large print, or audiotape upon requests made a minimum of 48 hours prior to the meeting.

Hearing Assistance Devices are available upon request.

**ALL REGULAR CITY COUNCIL AGENDAS ARE PLACED ON THE INTERNET EVERY FRIDAY AT THE ADDRESS BELOW:**

<http://www.elpasotexas.gov/>